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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

FIRST MERCURY INSURANCE  
COMPANY,

Plaintiff,

v.

KINSALE INSURANCE COMPANY,  
KLEIN PLASTERING, INC; and  
THOMPSON BROOKS, INC.,

Defendant.

Case No. 3:18-cv-00071-SI

**JOINT CASE MANAGEMENT  
STATEMENT**

Case Management Conference  
Date: April 5, 2019  
Time: 3:00 p.m.  
Courtroom: 1, 17<sup>th</sup> Floor

Hon. Susan Illston

1 This Joint Case Management Statement is submitted by Plaintiff First Mercury  
 2 Insurance Company ("First Mercury") and Defendant Kinsale Insurance Company  
 3 ("Kinsale") pursuant to the Court's Order Continuing Stay, Setting Further Status  
 4 Conference, And Vacating Trial Date (Dkt. No. 74.)

5 As reflected in the parties' last Joint Status Conference Statement (Dkt. No. 73)  
 6 Defendant Thompson Brooks, Inc. ("TBI") filed a petition for relief under Chapter 7 of  
 7 Title 11 of the U.S. Code in the Bankruptcy Court of the Northern District of California  
 8 (Case No. 18-30864.) TBI's bankruptcy petition remains pending.

9 TBI's insurer, Home Construction Insurance Company ("HCIC"), sought and  
 10 obtained from the Bankruptcy Court an order confirming that it is subrogated to TBI's  
 11 rights concerning a judgment TBI obtained against former defendant Klein Plastering, Inc.  
 12 ("Klein.") [Klein was dismissed from this action pursuant to this court's order on  
 13 September 11, 2018. (Docket No. 71.)]

14 Having obtained said order from the Bankruptcy Court, HCIC now seeks to  
 15 intervene in this action. HCIC has circulated a proposed complaint-in-intervention and  
 16 asked the parties to stipulate to its filing. The parties have agreed to stipulate to the filing  
 17 and are drafting a stipulation and proposed order.

18 Once HCIC becomes a party to the action, the Parties propose the following  
 19 schedule:

- 20 i. Trial Date: March 23, 2020
- 21 ii. Pretrial Conference: March 10, 2020
- 22 iii. Non-Expert Discovery Cutoff: 120 days before trial (November 25, 2019)
- 23 iv. Expert Witness Discovery Cutoff: 60 days before trial (January 23, 2020)
  - 24 a. Initial Expert Disclosure Deadline: December 13, 2019
  - 25 b. Rebuttal Expert Disclosure Deadline: January 10, 2020
- 26 v. Last Day to Hear Dispositive Motions: February 7, 2020

27 **Trial:** First Mercury has demanded a jury trial. The expected length of trial is five days.  
 28

1 DATED: March 29, 2019

SINNOTT, PUEBLA,  
CAMPAGNE & CURET, APLC

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4 By: /s/ Blaise S. Curet  
5 BLAISE S. CURET  
6 KENNETH H. SUMNER  
7 Attorneys for Plaintiff First Mercury Insurance  
Company

8 DATED: March 29, 2019

SELMAN WRAITH HALMAN

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10  
11 By: /s/ Gary R. Selvin  
12 GARY R. SELVIN  
13 Attorneys for Defendant Kinsale Insurance  
Company  
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**PROOF OF SERVICE**

**First Mercury Insurance Company vs. Kinsale Insurance Company, et al.  
3:18-cv-00071**

**STATE OF CALIFORNIA, COUNTY OF ALAMEDA**

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Alameda, State of California. My business address is 2000 Powell Street, Suite 830, Emeryville, CA 94608.

On April 1, 2019, I served true copies of the following document(s) described as **JOINT CASE MANAGEMENT STATEMENT** on the interested parties in this action as follows:

**SEE ATTACHED SERVICE LIST**

**BY CM/ECF NOTICE OF ELECTRONIC FILING:** I electronically filed the document(s) with the Clerk of the Court by using the CM/ECF system. Participants in the case who are registered CM/ECF users will be served by the CM/ECF system. Participants in the case who are not registered CM/ECF users will be served by mail or by other means permitted by the court rules.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on April 1, 2019, at Emeryville, California.

/s/ Michelle Mejia  
Michelle Mejia

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## SERVICE LIST

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